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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,985	11/05/2001	Newton B. White JR.	GREN.P-001-2	4151

57379　　　7590　　　01/22/2007		EXAMINER
Oppedahl Patent Law Firm LLC - GRENEX		SON, LINH L D
P.O. BOX 4850		
FRISCO, CO 80443-4850	ART UNIT	PAPER NUMBER
	2135	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	01/22/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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	Application No.	Applicant(s)
Office Action Summary	09/682,985	WHITE, NEWTON B.
	Examiner	Art Unit	
	Linh LD Son	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 September 2006*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is responding to the Amendment received on 09/19/06.

2.   Claims 1-11 are pending.

3.   Examiner considers the change of priority status of the present application. As

responded by the Applicant on 09/22/06, the present application is a divisional of

pending US application number 09/381,742 filed August 21, 1998 and in which

has priority back to its latest non-provisional of provisional application filing date

of 08/22/1997.

Response to Arguments

4.   Applicant's arguments filed on 09/19/06 are persuasive objected in light of

limitation of claim 3. Therefore, the rejection of claims 3, 10, and 11 are

withdrawn (See allowability subject matter below)

5.   Applicant's arguments filed on 09/19/06 have been fully considered but they are

not persuasive with respect to claim 1, 2, and 4-9.

6.   As per remark on page 3 (Bullet 1-a), Applicant argues that Casselberry's failure

to disclose required elements of claim 1-2. Examiner respectfully disagrees.

7.   As per claim 1, Applicant recites "*a method of configuring the server program so*

that it listens for requests for secure hypertext transfer protocol sessions on the

second port number rather than the first port number". As admitted by the

Applicant on page of the remark and also taught in Casselberry in Chapter 5

page 10 (Network Settings), The HTTPS port can be modified to listen on any

port ranging 1-65535. As Casselberry teaches in Chapter 5 page 10 (Network

Settings), again the HTTPS port can be modified to listen on any port ranging 1-

65535. Casselberry teaches of modifying the HTTPS port to any port that an

ordinary skill in the art desires to without any restriction or technical difficulty. As

strong supported by Casselberry's disclosure, it would have been obvious for one

having ordinary skill in the art at the time of the invention was made to modify

HTTPS protocol port to port 80 with a motivation of tricking the hacker to think of

one protocol, but in reality it is another protocol.

8.   In response to applicant's argument that the references fail to show certain

features of applicant's invention, it is noted that the features upon which applicant

relies (i.e., On page 5 3rd paragraph, Applicant recites a limitation of the firewall

blocks access to ports other than 80 as a reason to show Casselberry lacks in

teaching to solve the invention's problem) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from

the specification are not read into the claims. See *In re Van Geuns*, 988

F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

9.   In response to applicant's argument that the references fail to show certain

features of applicant's invention, it is noted that the features upon which applicant

relies (i.e., On page 13 2nd Paragraph, "*Applicant has been unable to figure out*

how the cited portions of Casselberry, which teach about changing the port on

which a server listens for packets, can be viewed as disclosing anything about (i)

a system that might block a packet if various conditions were satisfied or (ii)

sending a packet through such a system on its way to an HTTPS server") are not

recited in the rejected claim(s). Although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims. See

In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

10.   As per remark on page 8-11, Examiner does not find any of the arguments direct

to a specific limitation of claim 1.

11.   As per remark on page 14 first paragraph, Applicant argues that "*The Examiner*

has provided no prior art to support the Examiner's view that it would have been

obvious at the time of Applicant's invention for one skilled in the art to modify

Casselberry to include, in combination, all of the elements of claim 4 that are

missing from Casselberry, including, inter alia: (2-a-1) configuring a server

program to listen for requests for secure hypertext transfer protocol sessions on

a port number associated with a hypertext transfer protocol and (2-a-2) receiving

at the server program on the port number associated with a hypertext transfer

protocol a first data packet that has passed through a system that is configured in

a manner that would block the first data packet if it were addressed to the port

number associated with a secure hypertext transfer protocol." Respectfully

reminding the Applicant, Claim 4 is depending on claim 1 and claim 1 does not

recite "hypertext transfer protocol" or "hypertext transfer protocol port". As to the

Applicant's argument, Casselberry also teaches of configuring a firewall with an

access list to block all incoming packets except desired ports, for instant: port 80,

25, and 23 (See Casselberry Chapter 5, page 13 first paragraph). With this in

mind in additional to the teaching of modifying HTTPS port to any port ranging

from 1-65535 in Chapter 5, for one having ordinary skill in the art would realize

that a packet addressed to the first port or for this case other than 80, 25, and 23

would not pass through. As evidenced, Casselberry provides a full support of

claim 4.

12.   Therefore, the rejection basis for claims 1-2, and 4-9 dated 03/20/06 is

maintained.

Claim Rejections - 35 USC § 103

13.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

14.   Claims 1-2 and 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Rich Casselberry et al, (http://www.docs.rinet.ru/PerfectIntranet/index.htm),

hereinafter "CASSELBERRY".

15.   As per claims 1-2:

CASSELBERRY discloses "A method for securely communicating with a server

program using a secure hypertext transfer protocol which by default uses a first port

number associated therewith, said method practiced in connection with a hypertext

transfer protocol which defaults to the use of a second port number associated

therewith, "said method comprising: (a) configuring the server program so that it listens

for requests for secure hypertext transfer protocol sessions on the second port number

rather than the first port number" on (Chapter 5 page 9 Network Settings); (b) "receiving

at the server program on the second port number a first data packet in a manner that is

consistent with the secure hypertext transfer protocol, except that the request is

received on the second port number rather than the first port number" on (Chapter 5

page 10, First Paragraph); (c) "outputting from the server program a response to the

first data packet in a manner that is consistent with the secure hypertext transfer

protocol, except that the request was received on the second port number rather than

the first port number" on (Chapter 5 page 9 Network Settings). However,

CASSELBERRY does not explicitly teach a method of redirecting the https service to a

second port other than its standard port. Nevertheless, CASSELBERRY teaches a

method of binding a https service to another port ranging from 1 to 65535 different from

its standard port and also gives an example of how to access the host that has a

nonstandard port using an URL redirecting (Chapter 5, Page 9, last paragraph and

Page 10 first paragraph). Therefore, it would have been obvious at the time of the

invention was made for one having ordinary skill in the art to realize that

CASSELBERRY teaches a method of binding any second port ranging from 1-65535

different from its standard port to tighten the security of its server by tricking the hacker

to think of one protocol, but in reality it is another protocol.

16.   As per claim 4:

CASSELBERRY does not explicitly teach "the first data packet is received by the server

program on the second port, it passes through a system that is configured in a manner

that would block the first data packet if the first data packet were addressed to the first

port". Nevertheless, CASSELBERRY does teach a method of binding a nonstandard

port a service hosted at a server (Chapter 5, Page 9, last paragraph and Page 10 first

paragraph). Therefore, it would have been obvious at the time of the invention was

made for one having ordinary skill in the art to realize that the new binding service

would not recognize any packet format other than its own.

17.   As per claims 5-9:

CASSELBERRY does not explicitly teach "the following additional step: after

step (a), directing a client program to request information from the server program using

a resource locator comprising an indication to use the secure hypertext transfer protocol

and an indication to use the second port number". Nevertheless, CASSELBERRY

teaches a method of binding a https service to another port ranging from 1 to 65535

different from its standard port and also gives an example of how to access the host that

has a nonstandard port by using an URL port redirecting (Chapter 5, Page 9, last

paragraph and Page 10 first paragraph). Therefore, it would have been obvious at the

time of the invention was made for one having ordinary skill in the art to realize that

CASSELBERRY teaches a method of binding any second port ranging from 1-65535

different from its standard port to tighten the security of its server by tricking the hacker

to think of one protocol, but in reality it is another protocol.

Allowable Subject Matter

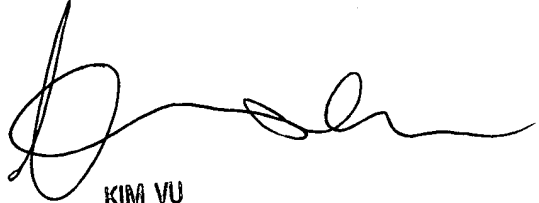18.   Claims 10-11 are allowed.

19.   Claims 3 ~~are~~ objected to as being dependent upon a rejected base claim, but

        would be allowable if rewritten in independent form including all of the limitations

        of the base claim and any intervening claims.

20.   Any inquiry concerning this communication or earlier communications from the

        examiner should be directed to Linh LD Son whose telephone number is 571-

        272-3856. The examiner can normally be reached on 9-6 (M-F).

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Linh LD Son
Examiner
Art Unit 2135

KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100